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May 1, 2013

ATTORNEY GENERAL MADIGAN SUES CARTERVILLE AUTO DEALER

Chicago — Attorney General Lisa Madigan today filed a lawsuit against a Carterville-based auto dealership for deceptive sales tactics.

Madigan's lawsuit, filed today in Williamson County Circuit Court, alleges that Kevin Darnell and his company RTO Auto Sales sold used cars "as is" and falsely promised either that the vehicle was in good condition or that if mechanical problems occurred, he would repair the vehicles. However, Darnell allegedly failed to make the promised repairs and refused to refund consumers who had purchased faulty vehicles. Madigan's suit also alleges Darnell promised but failed to pay off at least one consumer's loan on a trade-in vehicle, and in some cases, failed to remit costs for license plates, titles and sales taxes.

"Based on the complaints we've received, this dealer took customers for a ride, failing to fulfill the many promises he made to induce customers into buying faulty vehicles," Madigan said.

The Attorney General's office has received nine complaints against Darnell and RTO Auto, with area customers reporting from \$500 to nearly \$3,500 in losses. Among the most egregious complaints filed with Madigan's office, a consumer reported purchasing a vehicle "as is" but with the promise that RTO Auto would make repair as needed. Within five hours of buying the vehicle, the car began to overheat, and coolant was leaking from the radiator. After the consumer returned the car to RTO Auto, Darnell promised to make the necessary repairs at no cost. Within four days of receiving the supposedly repaired vehicle, the car's engine failed. Darnell refused to provide a refund but promised to exchange a functioning car for the defective vehicle. The exchanged vehicle stopped running within six days. Ultimately, after Darnell refused to refund the customer's money or provide a fully operational car, the consumer paid nearly \$800 for needed repairs on the exchanged vehicle.

Additionally, Madigan's suit alleges that because Darnell failed to pay off a loan on a trade-in vehicle in at least one case, the consumer remained financially responsible for a traded-in vehicle he no longer possessed. That consumer says his credit rating consequently suffered.

Madigan's lawsuit asks the court to enter a permanent injunction against the dealership. The complaint also asks the court to order Darnell and RTO Auto to pay restitution to consumers, a \$50,000 civil penalty, an additional \$50,000 penalty for each violation of the Consumer Fraud Act with intent to defraud and all fees associated with the investigation and prosecution of the case.

Consumers who believe they have been the victim of consumer fraud can download a complaint form at www.IllinoisAttorneyGeneral.gov/consumers or call the Attorney General's Consumer Fraud Hotline at one of the following numbers:

Chicago 1-800-386-5438

Springfield 1-800-243-0618

Carbondale 1-800-243-0607

Spanish-language Hotline: 1-866-310-8398

Assistant Attorney General Jeffrey Feltman is handling the case for Madigan's Consumer Fraud Bureau.

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